



General Assembly

February Session, 2010

Raised Bill No. 5252

LCO No. 1226

01226_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE PRETRIAL ALCOHOL EDUCATION
PROGRAM AND THE PRETRIAL DRUG EDUCATION PROGRAM.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 54-56g of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2010*):

4 (a) There shall be a pretrial alcohol education program for persons
5 charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133,
6 15-140l or 15-140n. Upon application by any such person for
7 participation in such [system] program and payment to the court of an
8 application fee of one hundred dollars and a nonrefundable evaluation
9 fee of one hundred dollars, the court shall, but only as to the public,
10 order the court file sealed, provided such person states under oath, in
11 open court or before any person designated by the clerk and duly
12 authorized to administer oaths, under penalties of perjury that: (1) If
13 such person is charged with a violation of section 14-227a, such person
14 has not had such [system] program invoked in such person's behalf
15 within the preceding ten years for a violation of section 14-227a, (2) if
16 such person is charged with a violation of section 14-227g, such person

17 has never had such [system] program invoked in such person's behalf
18 for a violation of section 14-227a or 14-227g, (3) such person has not
19 been convicted of a violation of section 53a-56b or 53a-60d, a violation
20 of subsection (a) of section 14-227a before or after October 1, 1981, or a
21 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
22 or after October 1, 1985, and (4) such person has not been convicted in
23 any other state at any time of an offense the essential elements of
24 which are substantially the same as section 53a-56b or 53a-60d or
25 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
26 cause is shown, a person shall be ineligible for participation in such
27 pretrial alcohol education [system] program if such person's alleged
28 violation of section 14-227a or 14-227g caused the serious physical
29 injury, as defined in section 53a-3, of another person. The application
30 fee imposed by this subsection shall be credited to the Criminal
31 Injuries Compensation Fund established by section 54-215. The
32 evaluation fee imposed by this subsection shall be credited to the
33 pretrial account established under section 54-56k, as amended by this
34 act.

35 (b) The court, after consideration of the recommendation of the
36 state's attorney, assistant state's attorney or deputy assistant state's
37 attorney in charge of the case, may, in its discretion, grant such
38 application. If the court grants such application, the court shall refer
39 such person to the Court Support Services Division for assessment and
40 confirmation of the eligibility of the applicant and to the Department
41 of Mental Health and Addiction Services for evaluation. The Court
42 Support Services Division, in making its assessment and confirmation,
43 may rely on the representations made by the applicant under oath in
44 open court with respect to convictions in other states of offenses
45 specified in subsection (a) of this section. Upon confirmation of
46 eligibility and receipt of the evaluation report, the defendant shall be
47 referred to the Department of Mental Health and Addiction Services
48 by the Court Support Services Division for placement in an
49 appropriate alcohol intervention program for one year, or be placed in
50 a state-licensed substance abuse treatment program. The alcohol

51 intervention program shall include a ten-session intervention program
52 and a fifteen-session intervention program. Any person who enters the
53 [system] program shall agree: (1) To the tolling of the statute of
54 limitations with respect to such crime, (2) to a waiver of such person's
55 right to a speedy trial, (3) to complete ten or fifteen counseling sessions
56 in an alcohol intervention program or successfully complete a
57 substance abuse treatment program of not less than twelve sessions
58 pursuant to this section dependent upon the evaluation report and the
59 court order, (4) to commence participation in an alcohol intervention
60 program or substance abuse treatment program not later than ninety
61 days after the date of entry of the court order unless granted a delayed
62 entry into a program by the court, (5) upon completion of participation
63 in the alcohol intervention program, to accept placement in a treatment
64 program upon the recommendation of a provider under contract with
65 the Department of Mental Health and Addiction Services pursuant to
66 subsection (f) of this section or placement in a state-licensed treatment
67 program which meets standards established by the Department of
68 Mental Health and Addiction Services, if the Court Support Services
69 Division deems it appropriate, and (6) if ordered by the court, to
70 participate in at least one victim impact panel. The suspension of the
71 motor vehicle operator's license of any such person pursuant to section
72 14-227b shall be effective during the period such person is
73 participating in such program, provided such person shall have the
74 option of not commencing the participation in such program until the
75 period of such suspension is completed. If the Court Support Services
76 Division informs the court that the defendant is ineligible for the
77 [system] program and the court makes a determination of ineligibility
78 or if the program provider certifies to the court that the defendant did
79 not successfully complete the assigned program or is no longer
80 amenable to treatment and such person does not [pursue] request, or
81 the court denies, program reinstatement under subsection (e) of this
82 section, the court shall order the court file to be unsealed, enter a plea
83 of not guilty for such defendant and immediately place the case on the
84 trial list. If such defendant satisfactorily completes the assigned

85 program, such defendant may apply for dismissal of the charges
86 against such defendant and the court, on reviewing the record of the
87 defendant's participation in such program submitted by the Court
88 Support Services Division and on finding such satisfactory completion,
89 shall dismiss the charges. If the defendant does not apply for dismissal
90 of the charges against such defendant after satisfactorily completing
91 the assigned program the court, upon receipt of the record of the
92 defendant's participation in such program submitted by the Court
93 Support Services Division, may on its own motion make a finding of
94 such satisfactory completion and dismiss the charges. Upon motion of
95 the defendant and a showing of good cause, the court may extend the
96 one-year placement period for a reasonable period for the defendant to
97 complete the assigned program. A record of participation in such
98 program shall be retained by the Court Support Services Division for a
99 period of [seven] ten years from the date [of] the court grants the
100 application for participation in such program. The Court Support
101 Services Division shall transmit to the Department of Motor Vehicles a
102 record of participation in such program for each person who
103 satisfactorily completes such program. The Department of Motor
104 Vehicles shall maintain for a period of ten years the record of a
105 person's participation in such program as part of such person's driving
106 record. The Court Support Services Division shall transmit to the
107 Department of Environmental Protection the record of participation of
108 any person who satisfactorily completes such program who has been
109 charged with a violation of the provisions of section 15-132a, 15-133,
110 15-140l or 15-140n. The Department of Environmental Protection shall
111 maintain for a period of ten years the record of a person's participation
112 in such program as a part of such person's boater certification record.

113 (c) At the time the court grants the application for participation in
114 the alcohol intervention program, such person shall also pay to the
115 court a nonrefundable program fee of three hundred fifty dollars if
116 such person is [ordered to participate] placed in the ten-session
117 program and a nonrefundable program fee of five hundred dollars if
118 such person is [ordered to participate] placed in the fifteen-session

119 intervention program. If the court grants the application for
120 participation in the alcohol intervention program and such person is
121 placed in a treatment program, such person shall be responsible for the
122 costs associated with participation in such program. No person may be
123 excluded from either program for inability to pay such fee or cost,
124 provided (1) such person files with the court an affidavit of indigency
125 or inability to pay, (2) such indigency or inability to pay is confirmed
126 by the Court Support Services Division, and (3) the court enters a
127 finding thereof. If the court finds that a person is indigent or unable to
128 pay for [a] an intervention or treatment program, the applicable fees or
129 costs of such program shall be paid [for] from the pretrial account
130 established under section 54-56k, as amended by this act. If the court
131 denies the application, such person shall not be required to pay the
132 program fee. If the court grants the application [,] and such person is
133 later determined to be ineligible for participation in such pretrial
134 alcohol education [system] program or fails to complete the assigned
135 program, the program fee shall not be refunded. All program fees shall
136 be credited to the pretrial account established under section 54-56k, as
137 amended by this act.

138 (d) If a person returns to court with certification from a program
139 provider that such person did not successfully complete the assigned
140 program or is no longer amenable to treatment, the provider, to the
141 extent practicable, shall include a recommendation to the court as to
142 whether a ten-session intervention program, a fifteen-session
143 intervention program or placement in a state-licensed alcohol
144 treatment program would best serve such person's needs. The
145 provider shall also indicate whether the current program referral was
146 an initial referral or a reinstatement to the program.

147 (e) When a person subsequently requests reinstatement into an
148 intervention or treatment program and the Court Support Services
149 Division verifies that such person is eligible for reinstatement into such
150 program and thereafter the court favorably acts on such request, such
151 person shall pay a nonrefundable program fee of one hundred

152 seventy-five dollars if [ordered to complete a] placed in the ten-session
153 intervention program or two hundred fifty dollars if [ordered to
154 complete a] placed in the fifteen-session intervention program, as the
155 case may be. Unless good cause is shown, such fees shall not be
156 waived. If the court grants a person's request to be reinstated into a
157 treatment program, such person shall be responsible for the costs, if
158 any, associated with being reinstated into the treatment program. All
159 program fees collected in connection with a reinstatement to an
160 intervention program shall be credited to the pretrial account
161 established under section 54-56k, as amended by this act. No person
162 shall be permitted more than two program reinstatements pursuant to
163 this subsection.

164 (f) The Department of Mental Health and Addiction Services shall
165 contract with service providers, develop standards and oversee
166 appropriate alcohol programs to meet the requirements of this section.
167 Said department shall adopt regulations, in accordance with chapter
168 54, to establish standards for such alcohol programs. Any person
169 ordered to participate in a treatment program shall do so at a state-
170 licensed treatment program which meets the standards established by
171 said department. Any defendant whose employment or residence
172 makes it unreasonable to attend an alcohol intervention program or a
173 treatment program in this state may attend a program in another state
174 which has standards substantially similar to, or higher than, those of
175 this state, subject to the approval of the court and payment of the
176 application, evaluation and program fees and treatment costs, as
177 appropriate, as provided in this section.

178 (g) The court may, as a condition of granting such application,
179 require that such person participate in a victim impact panel program
180 approved by the Court Support Services Division of the Judicial
181 Department. Such victim impact panel program shall provide a
182 nonconfrontational forum for the victims of alcohol-related or drug-
183 related offenses and offenders to share experiences on the impact of
184 alcohol-related or drug-related incidents in their lives. Such victim

185 impact panel program shall be conducted by a nonprofit organization
186 that advocates on behalf of victims of accidents caused by persons who
187 operated a motor vehicle while under the influence of intoxicating
188 liquor or any drug, or both. Such organization may assess a
189 participation fee of not more than seventy-five dollars on any person
190 required by the court to participate in such program, provided such
191 organization shall offer a hardship waiver when it has determined that
192 the imposition of a fee would pose an economic hardship for such
193 person.

194 (h) The provisions of this section shall not be applicable in the case
195 of any person charged with a violation of section 14-227a while
196 operating a commercial motor vehicle, as defined in section 14-1.

197 Sec. 2. Section 54-56i of the 2010 supplement to the general statutes
198 is repealed and the following is substituted in lieu thereof (*Effective July*
199 *1, 2010*):

200 (a) There is established a pretrial drug education program for
201 persons charged with a violation of section 21a-267 or 21a-279. The
202 drug education program shall include a ten-session drug intervention
203 program, a fifteen-session drug intervention program and a [drug]
204 substance abuse treatment program.

205 (b) Upon application by any such person for participation in such
206 program and payment to the court of an application fee of one
207 hundred dollars and a nonrefundable evaluation fee of one hundred
208 dollars, the court shall, but only as to the public, order the court file
209 sealed provided such person states under oath, in open court or before
210 any person designated by the clerk and duly authorized to administer
211 oaths, under penalties of perjury, that such person has never had such
212 program invoked in such person's behalf. A person shall be ineligible
213 for participation in such pretrial drug education program if such
214 person has previously participated in the eight-session, ten-session or
215 fifteen-session drug education program, or substance abuse treatment
216 program established under this section or the pretrial community

217 service labor program established under section 53a-39c. The
218 evaluation and application fee [required pursuant to] imposed by this
219 subsection shall be credited to the pretrial account established under
220 section 54-56k, as amended by this act.

221 (c) The court, after consideration of the recommendation of the
222 state's attorney, assistant state's attorney or deputy assistant state's
223 attorney in charge of the case, may, in its discretion, grant such
224 application. If the court grants such application, the court shall refer
225 such person to the Court Support Services Division for confirmation of
226 the eligibility of the applicant and to the Department of Mental Health
227 and Addiction Services for evaluation.

228 (d) Upon confirmation of eligibility and receipt of the evaluation
229 required pursuant to subsection (c), such person shall be referred to
230 the Department of Mental Health and Addiction Services by the Court
231 Support Services Division for placement in the drug education
232 program. Participants in the drug education program shall receive
233 appropriate drug intervention services or substance abuse treatment
234 program services, as recommended by the evaluation conducted
235 pursuant to subsection (c) of this section, and ordered by the court.
236 Placement in the drug education program pursuant to this section shall
237 not exceed one year. Persons receiving substance abuse treatment
238 program services in accordance with the provisions of this section shall
239 only receive such services at state licensed substance abuse treatment
240 program facilities that are in compliance with all state standards
241 governing the operation of such facilities. Any person who enters the
242 program shall agree: (1) To the tolling of the statute of limitations with
243 respect to such crime; (2) to a waiver of such person's right to a speedy
244 trial; (3) to complete participation in the ten-session drug intervention
245 program, fifteen-session drug intervention program or substance
246 abuse treatment program, as recommended by the evaluation
247 conducted pursuant to subsection (c) of this section, and ordered by
248 the court; (4) to commence participation in the drug education
249 program not later than ninety days after the date of entry of the court

250 order unless granted a delayed entry into the program by the court;
251 and (5) upon completion of participation in the pretrial drug education
252 program, to accept placement in a treatment program upon the
253 recommendation of a provider under contract with the Department of
254 Mental Health and Addiction Services or placement in a treatment
255 program that has standards substantially similar to, or higher than, a
256 program of a provider under contract with the Department of Mental
257 Health and Addiction Services if the Court Support Services Division
258 deems it appropriate. The [department] Court Support Services
259 Division shall require as a condition of participation in the drug
260 education program that any person participating in the ten-session
261 drug intervention program or the substance abuse treatment program
262 also participate in the community service labor program, established
263 pursuant to section 53a-39c, for not less than five days; and that any
264 person participating in the fifteen-session drug intervention program
265 also participate in said community service labor program, for not less
266 than ten days.

267 (e) If the Court Support Services Division informs the court that
268 such person is ineligible for the program and the court makes a
269 determination of ineligibility or if the program provider certifies to the
270 court that such person did not successfully complete the assigned
271 program and such person did not [pursue] request, or the court
272 denied, reinstatement in the program under subsection (i) of this
273 section, the court shall order the court file to be unsealed, enter a plea
274 of not guilty for such person and immediately place the case on the
275 trial list.

276 (f) If such person satisfactorily completes the assigned program,
277 such person may apply for dismissal of the charges against such
278 person and the court, on reviewing the record of such person's
279 participation in such program submitted by the Court Support
280 Services Division and on finding such satisfactory completion, shall
281 dismiss the charges. If such person does not apply for dismissal of the
282 charges against such person after satisfactorily completing the

283 assigned program, the court, upon receipt of the record of such
284 person's participation in such program submitted by the Court
285 Support Services Division, may on its own motion make a finding of
286 such satisfactory completion and dismiss the charges. Upon motion of
287 such person and a showing of good cause, the court may extend the
288 placement period for a reasonable period for such person to complete
289 the assigned program. A record of participation in such program shall
290 be retained by the Court Support Services Division for a period of ten
291 years from the date [of] the court grants the application for
292 participation in the program.

293 (g) At the time the court grants the application for participation in
294 the pretrial drug education program, such person shall pay to the court
295 a nonrefundable program fee of three hundred fifty dollars if such
296 person is ordered to participate in the ten-session drug intervention
297 program or five hundred dollars if such person is ordered to
298 participate in the fifteen-session drug intervention program. If the
299 court orders participation in a [drug] substance abuse treatment
300 program, such person shall be responsible for the costs associated with
301 such program. No person may be excluded from any such program for
302 inability to pay such fee or costs, provided (1) such person files with
303 the court an affidavit of indigency or inability to pay, (2) such
304 indigency or inability to pay is confirmed by the Court Support
305 Services Division, and (3) the court enters a finding thereof. The court
306 may waive all or any portion of such fee or cost depending on such
307 person's ability to pay. If the court denies the application, such person
308 shall not be required to pay the program fee. If the court grants the
309 application, and such person is later determined to be ineligible for
310 participation in such pretrial drug education program or fails to
311 complete the assigned program, the program fees shall not be
312 refunded. All such program fees shall be credited to the pretrial
313 account established under section 54-56k, as amended by this act.

314 (h) If a person returns to court with certification from a program
315 provider that such person did not successfully complete the assigned

316 program or is no longer amenable to treatment, the provider, to the
317 extent practicable, shall include a recommendation to the court as to
318 whether a ten-session drug intervention program, a fifteen-session
319 drug program or placement in a substance abuse treatment program
320 would best serve such person's needs. The provider shall also indicate
321 whether the current program referral was an initial referral or a
322 reinstatement to the program.

323 (i) When a person subsequently requests reinstatement into a drug
324 intervention program or a substance abuse treatment program and the
325 Court Support Services Division verifies that such person is eligible for
326 reinstatement into such program and thereafter the court favorably
327 acts on such request, such person shall pay a nonrefundable program
328 fee of one hundred seventy-five dollars if ordered to complete a ten-
329 session drug intervention program or two hundred fifty dollars if
330 ordered to complete a fifteen-session drug intervention program, as
331 the case may be. Unless good cause is shown, such fees shall not be
332 waived. If the court grants a person's request to be reinstated into a
333 [drug] substance abuse treatment program, such person shall be
334 responsible for the costs, if any, associated with being reinstated into
335 the treatment program. All program fees collected in connection with a
336 reinstatement to a drug intervention program shall be credited to the
337 pretrial account established under section 54-56k, as amended by this
338 act. No person shall be permitted more than two program
339 reinstatements pursuant to this subsection.

340 (j) The Department of Mental Health and Addiction Services shall
341 develop standards and oversee appropriate drug education programs
342 to meet the requirements of this section and may contract with service
343 providers to provide such programs. The department shall adopt
344 regulations, in accordance with chapter 54, to establish standards for
345 such drug education programs.

346 (k) Any person whose employment or residence or schooling makes
347 it unreasonable to attend a drug intervention program or substance

348 abuse treatment program in this state may attend a program in another
349 state that has standards similar to, or higher than, those of this state,
350 subject to the approval of the court and payment of the program fee or
351 costs as provided in this section.

352 Sec. 3. Subsection (b) of section 14-227j of the general statutes is
353 repealed and the following is substituted in lieu thereof (*Effective July*
354 *1, 2010*):

355 (b) Any person who has been arrested for a violation of subsection
356 (a) of section 14-227a, section 53a-56b, or section 53a-60d, may be
357 ordered by the court not to operate any motor vehicle unless such
358 motor vehicle is equipped with an ignition interlock device. Any such
359 order may be made as a condition of such person's release on bail, as a
360 condition of probation or as a condition of granting such person's
361 application for participation in the pretrial alcohol education [system]
362 program under section 54-56g, as amended by this act, and may
363 include any other terms and conditions as to duration, use, proof of
364 installation or any other matter that the court determines to be
365 appropriate or necessary.

366 Sec. 4. Subsection (d) of section 17a-485b of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective July*
368 *1, 2010*):

369 (d) Within the limits of available appropriations, the Department of
370 Mental Health and Addiction Services shall provide for such staff and
371 other administrative support as may be required by the board for the
372 purposes of sections 17a-485 to 17a-485c, inclusive, subsection (h) of
373 section 8-395, [subsection (c) of] section 54-56g, as amended by this act,
374 [subsection (g) of] section 54-56i, as amended by this act, section 54-
375 56k, as amended by this act, and sections 4, 7, 11 and 12 of public act
376 01-8 of the June special session*.

377 Sec. 5. Section 54-66a of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective July 1, 2010*):

379 Any bail bond posted in any criminal proceeding in this state shall
 380 be automatically terminated and released whenever the defendant: (1)
 381 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
 382 granted admission to the pretrial alcohol education [system] program
 383 pursuant to section 54-56g, as amended by this act; (3) is granted
 384 admission to the pretrial family violence education program pursuant
 385 to section 46b-38c; (4) is granted admission to the community service
 386 labor program pursuant to section 53a-39c; (5) is granted admission to
 387 the pretrial drug education program pursuant to section 54-56i, as
 388 amended by this act; (6) has the complaint or information filed against
 389 such defendant dismissed; (7) is acquitted; (8) is sentenced by the
 390 court; (9) is granted admission to the pretrial school violence
 391 prevention program pursuant to section 54-56j; or (10) is charged with
 392 a violation of section 29-33 and prosecution has been suspended
 393 pursuant to subsection (h) of section 29-33.

394 Sec. 6. Section 54-56k of the general statutes is repealed and the
 395 following is substituted in lieu thereof (*Effective July 1, 2010*):

396 (a) There is established an account to be known as the pretrial
 397 account. The account shall contain any moneys required by law to be
 398 deposited in the account and shall be a separate, nonlapsing account of
 399 the General Fund. Investment earnings credited to the account shall
 400 become part of the assets of the account. Any balance remaining in
 401 said account at the end of any fiscal year shall be carried forward in the
 402 account for the next fiscal year.

403 (b) There shall be deposited in the pretrial account all evaluation
 404 fees collected pursuant to subsection (a) of section 54-56g, as amended
 405 by this act, and subsection (b) of section 54-56i, as amended by this act,
 406 and all program fees collected pursuant to [subsection] subsections (c)
 407 and (e) of section 54-56g, as amended by this act, and [subsection]
 408 subsections (g) and (i) of section 54-56i, as amended by this act, and
 409 funds appropriated in subsection (a) of section 47 of special act 01-1 of
 410 the June special session.

411 (c) Amounts in the pretrial account shall be available to fund the
412 cost of operating the pretrial alcohol and drug education programs
413 established under sections 54-56g, as amended by this act, and 54-56i,
414 as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2010</i>	54-56g
Sec. 2	<i>July 1, 2010</i>	54-56i
Sec. 3	<i>July 1, 2010</i>	14-227j(b)
Sec. 4	<i>July 1, 2010</i>	17a-485b(d)
Sec. 5	<i>July 1, 2010</i>	54-66a
Sec. 6	<i>July 1, 2010</i>	54-56k

Statement of Purpose:

To make minor, technical and conforming changes to the pretrial alcohol education program and the pretrial drug education program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]